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December 14, 1998



PATENT APPLICATION
DOCKET NO.: GSF97-06A

HP 1642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gerd Sutter, Marion Ohlmann and Volker Erfle

Application No.: 09/002,443 Group Art Unit: 1642

Filed: January 2, 1998 Examiner: Not Assigned

Title: RECOMBINANT MVA VIRUS, AND THE USE THEREOF

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on 12-14-98 Karen DiRocco

Date Signature

Karen DiRocco

Typed or printed name of person signing certificate

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents

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Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

under 37 CFR 1.97(b), or

(Within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last)

under 37 CFR 1.97(c) together with either:

a Statement under 37 CFR 1.97(e), as checked below, or

a \$240.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with:

a Statement under 37 CFR 1.97(e), as checked below, and

a Petition under 37 CFR 1.97(d)(2), and

a \$130.00 petition fee set forth in 37 CFR 1.17(l).

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Applicant requests that the attached IDS and cited reference(s) _____ be placed in the application filewrapper.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is form PTO-1449:

- Copies of the cited references are enclosed.
- Copies of cited references are enclosed except those entered in prior application, U.S. Serial No. _____, and references that are not required to be submitted under 37 CFR 1.98.
- The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

Concise Explanation Requirement (non-English references):

- The "concise explanation" requirement for reference(s) _____ under 37 CFR 1.98(a)(3) is satisfied by:
 - the explanation provided on the attached sheet.
 - the explanation provided in the Specification.
 - submission of the enclosed International Search Report.
 - the enclosed English language abstracts.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- Enclosed is a check in the amount of \$ _____.
- Please charge Deposit Account 08-0380 in the amount of \$ _____.
- A copy of this Statement is enclosed.
- Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
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Lexington, Massachusetts 02421-4799

Dated: December 12, 1998

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION <small>(Use several sheets if necessary)</small>			ATTORNEY DOCKET NO. GSF97-06A		APPLICATION NO. 09/002, 443		
			APPLICANT Gerd Sutter, et al.				
			FILING DATE January 2, 1998		GROUP 1642		
			U. S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL						
	AM						
	AN						
	AO						
	AP						
	AQ						
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
<i>MWZ</i>	AS2	Wyatt, et al., "Replication-deficient vaccinia virus encoding bacteriophage T7 RNA polymerase for transient gene expression in mammalian cells", <i>Virol.</i> , 210:202-205 (1995).					
<i>MWZ</i>	AT2	Carroll, M.W., et al., "E. Coli β -glucuronidase (GUS) as a marker for recombinant vaccinia viruses", <i>Biotechniques</i> , 19:352-355 (1995).					
EXAMINER <i>MWZ</i>			DATE CONSIDERED 3/2/00				